

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

ERNEST QUINTERO,

Plaintiff,
v.
Case No. 19-cv-0759-bhl

JAVIER VEGA, et al.,

Defendants.

DECISION AND ORDER

Plaintiff Ernest Quintero is representing himself in this 42 U.S.C. §1983 action. On April 5, 2021, he filed a motion to compel. Dkt. No. 38. He asserts that he received only a partial response to his discovery requests. Quintero states that he did not receive “the dispatch (KPD) recording” or “a continuance report of evidence.” *Id.* That same day, Defendants filed a letter¹ noting that Quintero had not complied with Civil L.R. 37 and explaining that Defendants had supplemented their discovery responses to provide Quintero with the information he seeks. Dkt. No. 39.

Civil Local Rule 37 requires that all motions to compel include “a written certification by the movant that, after the movant in good faith has conferred or attempted to confer with the person or party failing to make disclosure or discovery in an effort to obtain it without court action, the parties are unable to reach an accord.” That is a long way of saying that, before filing a motion to compel, a party needs to first discuss his dispute with the opposing party’s lawyer before asking

¹ It is unclear why Defendants chose to file a letter rather than respond directly to the motion as contemplated by the Federal Rules of Civil Procedure and the Court’s Local Rules. The Court disfavors letters because the arguments and information contained in letters are not properly before the Court.

the Court to get involved. And, if the parties cannot work out the dispute and a party files a motion to compel, the party must include proof in his motion that he first tried to work it out with the opposing party's lawyer. Parties are often able to resolve their disputes without the Court's help, saving both the Court and the parties time and resources.

Quintero did not comply with Local Rule 37, so the Court will deny his motion. Furthermore, according to Defendants, after receiving Quintero's motion, they supplemented their discovery responses to provide him with the information he seeks, demonstrating the importance of parties making efforts to informally resolve their discovery disputes before involving the Court.

IT IS THEREFORE ORDERED that Quintero's motion to compel (ECF No. 38) is **DENIED**.

Dated at Milwaukee, Wisconsin this 7th day of April, 2021.

BY THE COURT:

s/ Brett H. Ludwig
BRETT H. LUDWIG
United States District Judge